

New law provides that the duty of care to the motoring public is satisfied when the public utility facilities comply with the provisions of the applicable edition of the National Electrical Safety Code and with the applicable edition of the Dept. of Transportation and Development Standards Manual for Accommodating Utilities, Driveways and Other Facilities on Highway Right-of-Way, Section 4B1. New law provides that placement of utilities not alter the condition and standards of the permit issued by DOTD.

New law provides that the duty of care to the motoring public is satisfied when, with respect to roads, streets, and bridges not part of the state highway system, the public utility facilities comply with the provisions of the applicable edition of the National Electrical Safety Code for structure placement relative to roadways, and to the extent they exist, with applicable ordinances of the parish or municipality that specify the location for public utility facilities in a public right-of-way.

New law provides that the duty of care to the motoring public is satisfied when, with respect to roads, streets, and bridges not part of the state highway system, the public utility facilities located on private property comply with provisions of the applicable edition of the National Electrical Safety Code for structure placement relative to roadways.

New law provides that the duty of care to the motoring public is satisfied when, with respect to structures, appurtenances, equipment, or appliances whose placement or installation is not subject to the provisions of the National Electric Safety Code, the public utility facilities comply with the provisions of the applicable national standards, Dept. of Transportation and Development standards, or to local standards in effect at the time of placement or installation.

New law provides that no owner of a roadway or bridge or any private property owner, either of which is not the owner or operator of a public utility shall owe a duty to the motoring public as to the placement of any public utility facilities on or appurtenant to their respective properties.

New law defines "public utility facilities" as pipes, mains, conduits, cables, wires, towers, poles, and other structures, equipment, or appliances, whether publicly or privately owned, installed, or placed adjacent to any roadway by an owner or operator of a public utility facility.

New law shall not be applied retroactively.

Effective August 15, 1999.

(Adds R.S. 48:381.3)